

House File 2311 - Introduced

HOUSE FILE _____
BY BOAL

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to a contribution to a local anticrime
2 organization in connection with a criminal proceeding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5954YH 82
5 jm/rj/8

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1 1 Section 1. Section 907.13, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. The defendant's plan of community service, the comments
1 4 of the defendant's probation officer, and the comments of the
1 5 representative of the judicial district department of
1 6 correctional services responsible for the unpaid community
1 7 service program, shall be submitted promptly to the court.
1 8 The court shall promptly enter an order approving the plan or
1 9 modifying it. Compliance with the plan of community service
1 10 as approved or modified by the court shall be a condition of
1 11 the defendant's probation. The court thereafter may modify
1 12 the plan at any time upon the defendant's request, upon the
1 13 request of the judicial district department of correctional
1 14 services, or upon the court's own motion. As an option for
1 15 modification of a plan, the court may allow a defendant to
1 16 complete some part or all of the defendant's community service
1 17 obligation through the ~~donation~~ contribution of property to a
1 18 ~~charitable organization other than a governmental subdivision~~
1 19 local anticrime organization. A ~~donation~~ contribution of
1 20 property to a ~~charitable organization~~ local anticrime
1 21 organization offered in satisfaction of some part or all of a
1 22 community service obligation under this subsection is not a
1 23 deductible contribution for the purposes of federal or state
1 24 income taxes. A contribution to a local anticrime
1 25 organization may also be part of a plan of restitution as
1 26 provided in chapter 910.

1 27 Sec. 2. Section 910.1, subsection 4, Code 2007, is amended
1 28 to read as follows:

1 29 4. "Restitution" means payment of pecuniary damages to a
1 30 victim in an amount and in the manner provided by the
1 31 offender's plan of restitution. "Restitution" also includes
1 32 fines, penalties, and surcharges, the contribution of funds to
1 33 a local anticrime organization ~~which provided assistance to~~
1 34 ~~law enforcement in an offender's case~~, the payment of crime
1 35 victim compensation program reimbursements, payment of
2 1 restitution to public agencies pursuant to section 321J.2,
2 2 subsection 9, paragraph "b", court costs including
2 3 correctional fees approved pursuant to section 356.7,
2 4 court-appointed attorney fees ordered pursuant to section
2 5 815.9, including the expense of a public defender, and the
2 6 performance of a public service by an offender in an amount
2 7 set by the court when the offender cannot reasonably pay all
2 8 or part of the court costs including correctional fees
2 9 approved pursuant to section 356.7, or court-appointed
2 10 attorney fees ordered pursuant to section 815.9, including the
2 11 expense of a public defender.

EXPLANATION

2 12 This bill relates to a contribution to a local anticrime
2 13 organization in connection with a criminal proceeding.
2 14 The bill permits a person to make a contribution to a local
2 15 anticrime organization in lieu of performing community
2 16 service, and strikes the provision permitting a person to make
2 17 a donation to a charitable organization in lieu of performing
2 18 community service.
2 19 The bill provides that a person may make a contribution to
2 20

2 21 a local anticrime organization as part of the person's plan of
2 22 restitution. Currently, a person may make a contribution to a
2 23 local anticrime organization as long as the local anticrime
2 24 organization provided assistance to law enforcement in the
2 25 person's criminal case.
2 26 LSB 5954YH 82
2 27 jm/rj/8